

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FIKRI BAYRAMOGLU,
Petitioner,

No. C 11-1388 WHA (PR)

ORDER OF TRANSFER

v.

J. TIM OCHOA, Warden,
Respondent.

(Docket No. 5)

This is a habeas case brought pro se by a state prisoner challenging the denial of parole. Petitioner was convicted in Marin County, which is in this district, but he is incarcerated at Chuckawalla Valley State Prison, which is in the Central District of California.

Venue for habeas cases involving state prisoners is proper in either the district of confinement or the district of conviction. 28 U.S.C. 2241(d). The district of confinement is the preferable forum to review the execution of a sentence, however. Habeas L.R. 2254-3(a); *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989). Because petitioner's claim is about the denial of parole, it is a challenge to the execution of his sentence, rather than the validity of it.

Pursuant to 28 U.S.C. 1404(a) and Habeas L.R. 2254-3(b), and in the interests of justice, this petition is **TRANSFERRED** to the United States District Court for the Central District of

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1 California. Ruling on petitioner's motion for leave to proceed in forma pauperis is deferred to
2 the Central District following the transfer of this case. The clerk shall terminate docket number
3 5 from this court's docket.

4 **IT IS SO ORDERED.**

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6 Dated: April 26, 2011.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

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